



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 29, 1994

Ms. Tracy R. Briggs  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR94-845

Dear Ms. Briggs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 29720.

The City of Houston (the "city") has received a request for "a copy of the surveillance video of the attempted bank robbery at the Bank of America located at 12188 Gulf Freeway at Kingspoint." You have submitted the requested information to us for review and claim that sections 552.103 and 552.108 of the Government Code except it from required public disclosure.

Section 552.108 of the Government Code excepts from required public disclosure:

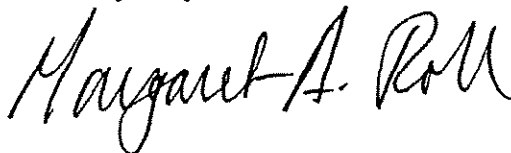
- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . .  
[and]
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . .

Gov't Code § 552.108. When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that

generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Whether information falls within the section 552.108 exception must be determined on a case-by-case basis. *Id.* at 2. You advise us that the requested information relates to a pending law enforcement investigation. Accordingly, we conclude that the city may withhold the requested information under section 552.108 of the Government Code. As we resolve this matter under section 552.108, we need not address the applicability of section 552.103 of the Government Code at this time.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/GCK/rho

Enclosures: Submitted materials

Ref.: ID# 29720

cc: Mr. Bill Langlois  
Assignments Editor  
KHOU-TV 11  
P.O. Box 11  
Houston, Texas 77001-0011  
(w/o enclosures)